

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

JUN 27 2007

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEPUTY CLERK

UNITED STATES OF AMERICA, §  
ex. rel. JANAKI RAMADOSS, et al., §

Plaintiffs, §

v. §

No. SA 99CA0914RF

CAREMARK INC., et al., §

Defendants. §

**ORDER ON CAREMARK'S MOTION TO QUASH  
SUBPOENAS ISSUED BY THE UNITED STATES**

The United States has issued numerous subpoenas to current and former Caremark clients seeking production of documents with respect to the clients' business relationship with Caremark. On June 13, 2007, Caremark filed a Motion to Quash the Subpoenas (Docket No. 273), and on June 19, 2007, the United States filed a Response to the Motion to Quash and a Motion to Strike the Motion to Quash (Docket No. 276). The subpoenas at issue are attached as an Appendix to Caremark's Motion, and as a Supplemental Appendix (Docket No. 275).

The Special Master has set Caremark's Motion for hearing on June 29, 2007, at 9:00 a.m. However, in the meantime, the Special Master has recommended that the Court modify the subpoenas pursuant to Federal Rule of Civil Procedure

45(c)(3)(A) and (B) and Federal Rule of Civil Procedure 26(c). The Government has filed objections to the Special Master's Recommendations regarding Caremark's Motion to Quash (Docket No. 282). While the Court understands the Government's concerns, and will modify the deadlines recommended by the Special Master, the Court is of the opinion that the third parties on whom the subpoenas have been served should be protected to the fullest extent possible and emphasizes that nothing in this Order prejudices any party's rights to Phase II discovery, pursuant to the Court's scheduling order entered on May 18, 2007 (Docket No. 269) and as amended on June 21, 2007 (Docket No. 279).

The Court hereby ADOPTS, IN PART, the Special Master's Recommendations and ORDERS that the subpoenas be modified as follows:

1. The parties on whom the subpoenas have been served are given until **July 13, 2007**, to make any written objections to the subpoenas pursuant to Rule 45(c)(2)(B).
2. The subpoenas are modified so that the date and time for compliance with all subpoenas is changed to **September 4, 2007 at 5:00 p.m.**
3. The subpoenas are modified so that compliance with the subpoenas shall be by mail. Should a party on whom a subpoena has been served or will be served desire to make documents available for inspection, that party must make an objection. In those cases in which the fourteen-day objection period prescribed by Federal Rule

of Civil Procedure 45 already has passed, or will pass within five days of a party being served this Order, such party is granted an additional seven days to make an objection related to manner of production.

4. The United States is ordered to serve copies of this Order and modified subpoenas on all parties originally served with the subpoenas.

The Special Master will make written recommendations as to whether or not to quash the subpoenas or further modify them after the hearing on this matter.

DATE:

June 26, 2007

  
\_\_\_\_\_  
THE HONORABLE ROYAL FERGUSON  
U.S. DISTRICT JUDGE